



Print Form

**FOR CLERK USE ONLY**

City Council

Item No. \_\_\_\_\_

## CITY COUNCIL AGENDA FACT SHEET

Community Development

Department

October 13, 2009

Requested Date

**1. Request:**

Council Approval ☒

Other (specify) ☐

Information Only/  
Presentation ☐

Hearing ☐

**2. Requested Action:**

LAFCO's request for Jasper Road anticipated right-of-way designation in connection with the Estrella Annexation.

**3. Fiscal Impact:**

Revenue:

Increase ☐

Decrease ☐

Source: \_\_\_\_\_

Amount: N/A

Cost:

Increase ☐

Decrease ☐

Source: \_\_\_\_\_

Amount: \$

Does Not Apply ☒

**4. Reviewed By:**

Finance Dept. on \_\_\_\_\_

By: \_\_\_\_\_

Comments: \_\_\_\_\_

City Attorney on \_\_\_\_\_

By: \_\_\_\_\_

Comments: \_\_\_\_\_

*Note: Back up must be submitted along with this form. Deadline is 5:00 p.m., 2 Fridays before the scheduled meeting date.*

**CLERK USE ONLY:**

CITY COUNCIL DATE: \_\_\_\_\_

Action ☐

Consent ☐

Hearing ☐

Filing ☐

Presentation ☐

Other(specify) ☐

Reviewed by: City Clerk \_\_\_\_\_

Date \_\_\_\_\_


City Manager \_\_\_\_\_

Date \_\_\_\_\_

**CITY COUNCIL  
AGENDA REPORT**

**SUBJECT:** Lafco's request for Jasper Road anticipated right-of-way designation in connection with the Estrella Annexation.

**AGENDA DATE** October 13, 2009

**PREPARED BY:** Armando G. Villa, Director of Community Development 

**APPROVED FOR  
AGENDA BY:** Victor M. Carrillo, City Manager

**RECOMMENDATION:** Staff recommends adoption of City Council Resolution.

**FISCAL IMPACT:** None.

**BACKGROUND INFORMATION:**

This project and associated entitlement applications including Tentative Subdivision, Annexation, and EIR were considered by the Planning Commission on October 8, 2007. Subsequently, this project was reviewed and approved by the City Council on November 20, 2007 with the adoption of City Council Resolution 2007-80.

**DISCUSSION:**

This resolution is needed as part of LAFCo Resolution of Approval for Conditions of Approval No. "N" and to finalize LAFCo proceedings for the annexation of the Estrella Subdivision into the corporate boundaries of the city of Calexico. Upon completion, LAFCo will notify the city of official annexation.

Attachments: Proposed Resolution  
Exhibit "A"(LAFCo Resolution)

Agenda Item No. \_\_\_\_

Page \_\_\_\_ Of \_\_\_\_

RESOLUTION NO. 09-\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO IN SUPPORT OF ASSURING THAT ANNEXATIONS AND DEVELOPMENTS ALONG AND ADJACENT TO THE JASPER CORRIDOR WILL BE ENCOURAGED TO MEET CALTRANS STANDARDS FOR FUTURE EXPRESSWAY.

WHEREAS, The City of Calexico's northern city limits abuts Jasper Road;

WHEREAS, the City of Calexico has been and will be entertaining annexation and entitlement applications along the Jasper Corridor;

WHEREAS, The City of Calexico City Council has approved and consented to the Estrella Annexation (Annexation No. 2007-04 and City Council Resolution No. 2007-80) at their regular meeting held on November 20, 2007;

WHEREAS, the Estrella Annexation and Subdivision Map has been designed and approved to ultimately set aside appropriate right-of-way to support Caltrans expressway standards;

WHEREAS, The City of Calexico has received a request from LAFCo on July 14, 2009 to take a positive position with respect to Jasper Road and the anticipated designation of Jasper Road as a future Caltrans Expressway.

WHEREAS, The City of Calexico General Plan 2007, Circulation Element anticipates a possible realignment of Hwy. 98 along the Jasper Corridor "Planned SR 98 Realignment Corridor."

WHEREAS, Adoption of this resolution hereby null & voids and therefore replaces Resolution No. 09-60 adopted by the City Council on September 1, 2009.

NOW, THEREFORE BE IT RESOLVED THAT the city recognizes Jasper Road as a potential alternative to the realignment of Hwy 98. Additional, the City of Calexico will support and will not take any adverse actions to prevent Jasper Road from meeting Caltrans future expressway standards. Any encroachment that is allowed by the City of Calexico that would adversely affect the development of this expressway shall be a direct cost of the city.

Passed, Approved and Adopted this 13<sup>th</sup> day of October, 2009.

\_\_\_\_\_  
David Ouzan, Mayor

Attest:  
)

\_\_\_\_\_  
ourdes Cordova, City Clerk

)  
Approved as to Form:

Jennifer Lyon, City Attorney

State of California     )  
County of Imperial    ) ss  
City of Calexico       )

I, Lourdes Cordova, City Clerk for the City of Calexico do hereby certify the foregoing Resolution No. 09-\_\_ was adopted by the City Council in a regular meeting held on the 13<sup>th</sup> day of October 2009 by the following vote to-wit:

AYES:

NOES:

ABSENT:

)  
Lourdes Cordova, City Clerk

**RESOLUTION OF THE LOCAL AGENCY FORMATION  
COMMISSION OF THE COUNTY OF IMPERIAL MAKING  
DETERMINATIONS AND APPROVING THE ANNEXATION  
CX # 01-05 TO THE CITY OF CALEXICO.**

**RESOLVED**, by the LOCAL AGENCY FORMATION COMMISSION of the County of Imperial, State of California, that

**WHEREAS**, a proposal for annexation of uninhabited territory to the City of Calexico and in the County of Imperial was filed with this Commission and the Executive Officer of this Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

**WHEREAS**, the Executive Officer of LAFCO has reviewed and prepared a report on said resolution, including recommendations thereon; and

**WHEREAS**, it has been determined that the owners of land within the proposed annexation have been made aware of the annexation by mail and have been given the opportunity to comment and support or oppose the annexation.

**NOW THEREFORE, BE IT DETERMINED, ORDERED AND RESOLVED** as follows:

- 1: Certify the Environmental Impact Report ## 2005101115, as certified by the City Council of the City Calexico on November 20, 2008 by Resolution 07-81. This certification by the City included a "statement of overriding considerations" on the conversion of agricultural land, and found that the project benefits outweigh the unavoidable impacts. The Commission likewise needs to make this finding.
- 2: Make the finding that this project with the conditions imposed herein (or as modified) is in substantial compliance with the provisions of the Cortese/Knox/Hertzberg Reorganization Act of 2000 and the Imperial County LAFCO Policy, and Procedures.
- 3: Make the findings pursuant to Gov. Code Section 56375 that:
  - a) The project has been pre-zoned to R-1 and RU under the City of Calexico's current zoning Ordinance.
  - b) The project is prohibited per section 56375 (e) from being "re-zoned" for a period of two years following annexation.
  - c) The project is contiguous to the City, does not create an island, and is a logical extension of the City within the sphere of Influence, and or urban area plan.
  - d) The protest proceedings pursuant to Part 4 commencing with Section 57000 are hereby initiated, and are in compliance with the resolution of approval by the Commission.

- )
- 4: Approve the Annexation subject to all of the following conditions:
- A: Authorize the Executive Officer to forward the Resolution of approval to the City of Calexico, as an information item and for compliance with all relevant conditions imposed herein. (Pursuant to the Cortese/Knox/Hertzberg Reorganization Act of 2000, enacted through AB 2838, a conducting authority process, i.e. the City being the Conducting Authority, no longer exists and the LAFCO has been delegated the Conducting Authority Process).
- B: Pursuant to Cortese-Knox-Hertzberg, authorize the Executive Officer to record the annexation with the County Recorder and the State Board of Equalization, ONLY upon compliance by the applicant and the City, with all applicable conditions, payment of requisite fees, and receipt of all documents necessary and required from the proponents, the City and/or other agencies.
- C: The Annexation boundary shall be as per map and legal description (Exhibit -M) attached hereto. The annexation shall include all contiguous Roads; Road Right of Ways; Canals, Canal Right of Ways; and Public Easements. The final annexation map shall be prepared by a California Licensed Engineer licensed to practice in the Category of work to be performed. Said final map shall be reviewed by the Surveyor of the County of Imperial and the Public Works Director of the City of Calexico to assure that the map complies with the correct boundary and surveying requirements, as well as legal descriptions.
- D: The City of Calexico shall transmit to the Executive Officer certified copies of all approvals given or required to be given by the City of Calexico in approving the land use projects reported herein, including tax agreements unless that information has already been submitted.
- E: The City of Calexico shall within 90 days of the hearing by LAFCO, approving the annexation, submit to the LAFCO a full City Boundary Map depicting the new annexation as part of the overall City Boundary. This City Boundary map shall be signed by a licensed Engineer and shall be submitted as follows;
- a) A digital copy in AutoCAD 2009 or later format
  - b) A 24" x 36" or larger copy
  - c) A 18" x 24" copy.
- F: Upon receipt of the City Boundary Map required in condition E, the Executive Officer shall transmit said map to all affected public agencies, including but not limited to law enforcement, Assessor, etc.
- ) The applicant (petitioner) and/or the City as appropriate shall provide to LAFCO the following items in order to complete the processing of the annexation.
- 1) Eight (8) copies of the Annexation maps and legal descriptions prepared by the licensed engineer, and one "Mylar" copy meeting the size established by the County Recorder's office.

- 2) Check made payable to the State Board of Equalization as required by Statute.
- 3) Check payable to LAFCO as determined by the Executive Officer to fully offset the cost of processing the application, including all costs incurred by County or City departments charged with the responsibility to review any portion of this project.
- 4) A letter from the Petitioners agreeing to the terms and conditions of the LAFCO and waiving all rights to an appeal, or reconsideration of the LAFCO decision, unless petitioner can show that a technical error occurred that would have or could have altered the decision of the LAFCO.

- H: The annexation shall not be recorded until all conditions have been completed and all costs paid in full.
- I: The City of Calexico shall not change any of the zone(s) within the boundary of the project annexation area for a period of two years from the date of recordation, subject to the Government Code Section in the Cortese/Knox/Hertzberg Reorganization Act of 2000. The City shall notify the LAFCO and County of any proposed change of zone within the Boundary area at least 90 days prior to any such Council Hearing, if such is requested prior to the termination of 24 months from recordation. If the City does change the zone or the envisioned land use analyzed within this land use process, in the future and it affects any tax split agreements with other agencies, then the City shall be required to make the appropriate adjustments, with County.
- J: The City shall not enter this property into a "redevelopment" program or such other program that would adversely change the Fiscal impacts or in any way affect any fiscal impacts or tax sharing agreements with other agencies. IF the City following annexation and after recordation does change the project so as to change the Fiscal information/outcome upon which LAFCO and/or other agencies relied, the City shall be required to fund any deficit that may occur as a result of their change.
- K: All conditions of approval made by or given by the City as evidenced by the Resolutions or Ordinances adopted by the City shall be part of the Conditions of LAFCO in this annexation as if written herein.
- L: The City shall require all IID canals and drains that are within or contiguous to the project, to be under grounded (or eliminated), except for the Canals or drains identified by the IID as not feasible, such as the Central Main Canal. Applicant shall provide to LAFCO assurance acceptance to the Executive Officer which may include bonds or other certificates.
- ) The annexation shall not be recorded until the City has revised its conditions of approval to reflect what the "fair share" costs either in today's dollars or a percentage of the total cost are identified for every condition that specifies that the Developer "shall" pay a "fair share".

- N: The annexation shall not be recorded until the City provides a Resolution to LAFCO, the County and CALTRANS that the minimum Right of Way for Jasper Rd, be established at 210 FT in width for the development of a future six lane Expressway and further that all development standards for this RoW will be implemented to allow for a CALTRANS qualified expressway standard highway, and that any encroachment that is allowed by the City of Calexico that would adversely affect the development of this expressway be a direct cost to the City.
- O: The annexation shall not record until the City provides to LAFCO a hard copy as well as a digital copy of the "mitigation" measures that will be required to be implemented for this project. These mitigation measures will be made a part of the Resolution of approval by LAFCO and to the extent applicable will be required to be implemented or bonded for as appropriate.
- P: The annexation shall not record until the City provides to LAFCO a certified statement from the City engineer that the City has the capacity to provide sewer and water services to this project.
- Q: Developer shall provide an irrevocable offer of Right of Way for a future substation dedication on the project site if and when required by Imperial Irrigation District. If IID obtains an alternate site and does not need a substation on this project, no Right of Way will be required for this project.

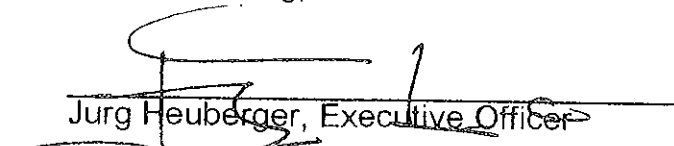
**PASSED, ADOPTED AND APPROVED** this 24<sup>th</sup> day of September 2009 by the following roll call votes:

AYES: Ludwig, Snively, Leimgruber, Ours & Kelley

NAYES: NONE

ABSENT: NONE

Colleen Ludwig, Vice-Chairman

  
Jurg Heuberger, Executive Officer